1883-002 Chancery Cause: H. Baylor & Bro] vs Admr. of J. W. Robinett &c
Lee Co.

Baylor, Miller, Gilly, Kyle, Tankersly

CA. Debt
T-Property

To the Honorable John A. Kelly Judge of the circuit court of Lee County Va

Your orators H. Baylor, Thomas Baylor and Robert C. Baylor, late merchants & partners trading under the firm style and name of H. Baylor & Bro, who sue for themselves and all other creditors of J. W. Robinett deceased. humbly complaining sheweth unto your Honor that heretofore they recovered by Judgement a debt of $42.54 with legal interest thereon from the 5th. day of April 1862, till paid and the costs $9.13. against one J. W. Robinett, which Judgement was duly docketed and is as your orator is advised a lien upon any real estate owned by said Robinett. This Judgement is subject to a credit of $20 paid on the day of Jan: 1873. and the residue is wholly unpaid and now due your orators.

Since the rendition of said Judgement, the said Robinett has departed this life, having first made & published in the State of Tenn. his last will and testament- And one Pryor J. Miller has qualified as his administrator with the will annexed in this county. The said Robinett at the time of his death owned a small tract or parcel of land adjacent to his

his Tenn. lands and which is bounded on the South by the State line and said Robinetts other lands and is known as the Sizemore farm or lands and on which George W. Tankersley now resides and which said land was disposed of by the said Robinetts will, and devised upon certain Conditions & payments to George W. Tankersley & John D. Robinett, a Copy of so much of said will as shows this fact will in due time be filed with this bill marked A. and a transcript of said Judgement filed marked B. both of which is prayed to be considered as a part hereof. A part of said lands were undisposed of and descended to the followin children and heirs at law of said Robinett who left no widow. viz.

John D. Robinett, George W. Robinett, Mary Tankersley wife of George W. Tankersley & Lydia. Miller wife of Prior J. Miller, Martha Ann, Gilley wife of Wm T. Gilley, Joseph H. Robinett, and Rebecca Kyle, wife of Rufus Kyle, the said Rebecca being now under twenty one years of age. The Judgement aforesaid being a lein upon said lands, is as your orators advises enforceable in equity.

besides your orator ~~advises~~ alleges tha
is not sufficient effects in the hands of
the personal representative to pay and dis-
charge the indebtedness of said Robinett.
To enforce his said judgement upon said
lands, the rents and profits of which
will not in five pay said debts, by
a sale of a sufficient amount thereof is
the object of this bill. The creditors of said Robinett
are unknown to your orators but will when ascertained be made
parties thereto
The premises considered, the prayer of your
orator therefore is that, John D. Robinett
George W. Robinett, George W. Tankersley and
Mary Tankersley his wife Pryor J. Miller as
administrator with the will annexed of
said J. W. Robinett and in his own right, and
Lydia Miller his wife, Wm. T. Gilley and Martha
Ann his wife, Joseph H. Robinett, Rufus
Kyle and Rebecca Kyle his wife be made
parties defendants to this bill and answer its
allegations upon oath and upon a hearing
a decree be rendered enforcing said lien
and if found necessary taking an account of
the said Robinett's indebtedness, marshaling
his assets, and selling so much of said lands
as may be found necessary to pay said debts
and the costs of this suit. And for all other

further and General relief - May subpa issue
&c.

Hagan & Pardimore

LH-P

H. Bayler & Bro

vs } Bill Chy.

Peter J. Miller admr &c etc

1880. Aug Set for hearing
+ Decree + Contd.
" Aug Decree + Contd.
1881 Mr Contd Aug Contd
1882 Contd this year
1883 Mr Continued
" Aug Decree + Decree
Final

C	3.62
A	15.00
G.A.L	5.00
	$23.62
Estimated	6.00
	$29.62
Orch	.31

To the Honorable John A. Kelly Judge of the Circuit Court of Lee County:

The Joint answer of John D. Robinett George W. Robinett George W. Tankersly and Mary Tankersly his wife Prior J. Miller admr. with the will annexed of Jesse W. Robinett deceased and the Said Prior J. Miller and Lydia Miller his wife, William T. Gilley and Martha Ann Gilly his wife Joseph H. Robinett Rufus Kile and Rebecca Kile his wife to the bill filed against them by against them by "H. Baylor & Bros." who Sue for themselves and all other Creditors of Jesse W. Robinet deceased, And for answer thereto these defendants Say that they do not deny the Justice of the Judgment Sought to be enforced by plaintiffs and they admit the Same to be a lien on Said land. Respondents also admit that Said land will have to be Subjected to the decedents debts And they have no objections to the Court doing So in any manner that may be equitable and just and they have no objections to an account if found necessary. And having answered they pray to be dismissed with their Costs.

Miller for Respondents

~~20~~
~~10~~
~~18~~
~~15~~
~~18~~
~~10.~~
~~20 Ex~~
~~15.~~
~~36~~
~~1.50~~
~~$3.17~~
~~50 Rule~~
~~3.67~~

Prior J. Mulhutas

Adv. Answer.

H. Bryler & Bro

Filed Aug 1880.
Jas W Orr. Clk.

To the Hon John A. Kelly Judge of the Circuit Court of Lee County:

The answer of Rebecca Kyle wife of Rufus Kyle who is under twenty one years of age by David Miller her Guardian ad litem to the bill filed in the Circuit Court of Lee County against her and others and for answer to Said bill She will say that it is true that her father Jesse W. Robinett died leaving Some real estate which will have to be Subjected to the payment of his debts part of Said real estate lies in Tennessee and part in Lee County Va, but She neither admits nor denies the Justice of the plaintiffs judgment but Supposes if it is Just it is a lien on the land as Claimed by plaintiffs, And She does not deny the right of all Just Creditors to enforce their Claims against Said land in Case the personalty is not Sufficient and She has no objections to the Court proceeding to take an account if found necessary. And having answered this respondent prays to be dismissed with her Costs.

David Miller
Guardian ad Litem

Virginia Lee County to wit:
This day David Miller personally appeared before me and made oath that the foregoing Answer is true to the best of his knowledge information and beleif. Given under my hand this the 1st day of September 1880.

1880 - 11 - 5
1862 - 4 - 5   42.54   1862
18 - 7
12
36
18
223
11 1/2

42.54
11 1/2
4254
4254
4254
21.27
47.43.21
9.13
56.56
42.54
99.10
10
$99.20
29.03
$128.23
5
6.41.15
126.20
$132.54
35.34
~~99.80~~
97.30
20
2 / 77.30
38.65
72.88

9.3
42.54
15
21270
4254
6 / 638.10
10

29.03
6.31
$35.34

Rebecca Kyle by &c

Ads } Answer of Guardian ad litem

H. Kyle & Bro

Filed. Aug 1880.
Jas H. Orr Clk.

A. Baylor & Bro . . . Plff
v
Pryor J. Miller admr et al Deft } Order

This Cause Came on again this day to be further heard upon the papers formerly read and the report of A. L. Pridemore special Com. accompanied by the deed directed to be executed by him - ~~and no exceptions appearing~~ and was argued by Counsel - on Consideration whereof and for reasons appearing to the Court said report and deed are each Confirmed and Made final - And the grantees in said deed are directed to pay said Com. for his services the sum of $5.00 and the Com. will deliver said deed to them And no further action being necessary the cause is stricken from the Docket.

H. Bayler & Bro.

vs. } Decree Final

Royer J. Miller admr etc

Aug 7. 1883

Entered page 330
J. A. S. Hyatt
Clk

Enter this
Sept 3 1883
Jn. A.K.

H. Baylor & Bro
v
Roger J. Miller adm et } In Chan—

This cause came on again this day to be heard upon the papers formerly read and the report of A. L. Pridemore Com showing the willingness of the creditor to take and accept said purchase money bond for the residue of their debt, upon which the purchasers would be entitled to a deed of Conveyance - And the Cause being argued by Counsel it is ordered and decreed that A. L. Pridemore Com. deliver said bond to the plffs ~~and~~ in satisfaction of his debt, and take his receipt therefor, and that he make and execute to the purchasers a deed with Covenants of special warranty and report his action to this Court at some future day. To which time the cause is Continued.

H. Baylor & Bro
v
vs } Decree

Pryor J. McIlwaine

Aug. 5. 1883

Entered page 328,
J. A. L. Hyatt
clerk

Enter this.
Sept. 1 1883
J. A. K.

H. Bayler & Bro ... Plffs.
against } In Chy
Pryor J. Miller admr. et als. Defts

This cause came on again this day to be heard upon the papers formerly read and the report of A. L. Pridemore Commissioner filed 5th March 1881. - And was argued by counsel. And it appearing ~~from said report~~, that said ~~sale, is~~ report is un-excepted to the same is confirmed and the sale thereunder made final - And Commissioner A. L. Pridemore is directed to collect the purchase money, when the purchasers desire to pay the same or when it falls due & pay the same over to the plffs & take his receipt therefor but before doing so the commissioner will execute bond in a penalty of $150 conditioned to perform the duties assigned him under this decree - He will report his actions to this court at some future term of the court.

Order

H. Baylor Bro

in Decree

Prayer for Settlement

March T. 1881

Entered on Page
160. John C. Orr D.C.

Enter this
ap! '
March 31/81

J. A. K.

H. Baylor & Bro   Plffs
against   } In Chy
Prior J. Miller et als   Defts

Upon the motion of the plff David Miller
is appointed guardian ad litem for the
infant defendant, Rebecca Kyle, wife of
Rufus Kyle, and on his motion leave is
granted him to file her answer which is
done - And upon the motion of John D.
Robinett, George W. Robinett, George W Tankersley
and Mary Takersley his wife, Prior J. Miller
adm with the will annexed ~~in his~~ and
Prior J. Miller in his own right and Lydia
Miller his wife, William Gilly and Martha
Ann Gilly his wife, Joseph H. Robinett
Rufus Kyle & Rebecca Kyle his wife leave
is granted them to file their answers which
is done. And thereupon this cause
came on to be heard upon the ~~papers~~
~~formerly read~~, bill of the plff and
the aforesaid answers thereto, with
replications and was argued by counsel
on consideration whereof and for reasons
appearing to the court it is adjudged
ordered & decreed that the plff recover
Adm with the will annexed of J. W. Robinett against
from Prior J. Miller the sum of
$57.67 with legal interest on $42.54, from
subject to a credit of $20 paid on the day of Jan 1863
the 5th day of April 1862; together with

the costs of this suit, and that unless the said admr. pay the same within 20 days from the rising of this court or the said heirs at law or some one for them pay the same within the said 20 days then A. L. Pridemore who is hereby appointed a special commissioner for the purpose do sell on a credit of one & two years so much of the land in the bill mentioned as may be necessary to pay the same except the costs & coms will be required to be paid in hand. The sale will be made by public outcry to the highest bidder on ~~a cou~~ some court day at the front door of the court House of Lee county - But before making sale thereof the comr. will post notice of the time terms & place of sale for at least 30 days on the court House door and at two or more public places in said county one of which shall be in the neighborhood where the land lies. He will report his action to this Court & the cause is continued.

H. Baylor & Bro
vs } Decree
Pris J. Mullins admr et al

Aug 7. 1880

Entered page 146
F. A. Stickley D.C.

Enter this
Sept 1st 1880.
Jn A.K.

To the Honorable John A. Kelly Judge of the Circuit Court of Lee County, Virginia

Your undersigned Commissioner in the Chancery Cause of H. Baylor & Bro against Pryor J. Miller adm et al, beg leave to report that on the 16 day of November 1880 that being court day, having advertised the same in pursuance of said decree, your commissioner sold said land upon the terms set forth in said decree, and Pryor J. Miller, George W. [illegible] and John W. Robinett became the purchasers at the price of the debt interest & costs, the costs & commissions were paid in hand & for the residue your Commissioner to the bonds of the parties being perfectly good for the sum of $77.30 with interest from the date thereof 16th Nov. 1880, Your com. understanding the purchasers desire to pay the purchase price of said land to the creditor & the creditor desiring the same, We therefore recommend the payment to be accepted & the cause stricken from the docket. The sale was as good as could be made & was purchased by the heirs at law or a part of them.

March 1st 1881. A. L. Pridemore Com.

H. Baylor & Bro

vs } A. L. Ruckman
Cr Papers

Payor } Miller admr

Filed March 5th [illegible]
James W Orr. Clk

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County -

The undersigned a Commissioner in the Cause of H. Bagler & Bro v Pryor J. Miller Admr et als - Begs leave to report that, the greater portion of the purchase money, being the debt due the plff has been paid over by the purchaser to your Comr. and by him to the plff for the balance due the plff he is willing to take said bond which is perfectly good and thus the purchaser would be entitled to a deed: Which is recommended and respectfully submitted.

A. L. Pridemore Com

H. Baylor & Bro

vs Report of

Com. A. L. Pridemore

Pryor & Miller attys

Filed Aug 7. 1883

D Hyatt

Clk

To the Hon. John A. Kelly Judge
of the Circuit Court of Lee County

Your undersigned Commissioner in the Chancery Cause of H. Baylor & Bro against Pryor J. Miller and others begs leave to report that in persuance to a decree rendered at this term of the court your Com. has made & executed the deed directed therein to be made; he has acknowledged the same and here files it with this report - which when confirmed by the court will dispose of this case. All of which is respectfully submitted.

A. L. Pridemore Com.

H. Baylor & Bro

v } Report Final
with Deed.

Pryor J. Miller admstr

Filed Aug 7. 1883

J. A. S. Hyatt
Clk

June Term 1871 - County Court.

H. Baylor & Bros.
vs
Jessee W. Robinett } Judgmt for $42.54 with legal interest thereon from the 5th day April 1862 till paid & the costs. J.B.W 2.08, Clk 2.89, Atty 2.50, S 50, Add for C .58, Add for C .58.

Test - F. R. Strickley D.C.

42 54
2.08
2.89
2.50
2 50
1 16
57.67

H. Baylor & Bros.

vs } Transcript Judgement

Jessee W Robinett

"A"

The Commonwealth of Virginia :

To the Sheriff of Lee Couny—Greeting:

We Command you to Summon John S. Robinett, Geo. W. Robinett, Geo. W. Tankersley, Mary Tankersley, Prior J. Miller, in his own right and as administrator with the will annexed of J. M. Robinett, deceased, Lydia Miller his wife, Wm. T. Gilly, Martha Ann Gilly his wife, Joseph H. Robinett, Rufus Kyle and Rebecca Kyle his wife

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in March **next, to answer** a bill in chancery exhibited in our said Court against them by J. C. Baylor, Thomas Baylor, Robert C. Baylor late merchants and partners in trade trading under the firm and style of H. Baylor & Co.

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this day of 18 , in the 10 th year of the Commonwealth.

Clerk.

H Baylor & Bro.
Spa in Chy
vs
P. J. Miller Adm &c et als
March Rules 1880.